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Attorney for *Plaintiff Peter McNeff*

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA-OAKLAND

PETER MCNEFF, an individual,
Plaintiff,

vs.

THE CITY OF PLEASANTON, a City
within the State of California;
THE PLEASANTON POLICE
DEPARTMENT, a Division of
defendant City;
DAVID SWING, an individual;
LARRY COX, an individual;
BRIAN DOLAN, an individual; and
DOES 1-10, individuals;

Defendants.

Case No.: 3:23-cv-00106-JD

Honorable James Donato

**STIPULATION FOR LEAVE TO FILE
AMENDED COMPLAINT AND TO
CONTINUE CASE MANAGEMENT
CONFERENCE; [PROPOSED ORDER]**

It is stipulated by and between the parties, Plaintiff Peter McNeff
("McNeff") and defendants THE CITY OF PLEASANTON, a City within the

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State of California; THE PLEASANTON POLICE DEPARTMENT, a Division of defendant City; DAVID SWING, an individual; LARRY COX, an individual; BRIAN DOLAN, an individual (“Defendants”) as follows:

1. McNeff filed this action on January 10, 2023;
2. Defendants filed a Motion to Dismiss on March 14, 2023;
3. The hearing on the Defendants’ Motion to Dismiss is currently set for April 27, 2023;
4. McNeff is seeking to Amend the Complaint to allege additional facts that have become known since the original filing of this action;
5. Defendants are agreeing to allow McNeff to file an Amended Complaint on or before May 5, 2023;
6. The parties request that the hearing on Defendants’ Motion to Dismiss be continued to May 18, 2023, but the deadlines shall run from the April 27, 2023 hearing date;
7. The hearing on Defendants’ Motion to Dismiss shall be taken off calendar upon Plaintiff filing an amended complaint on or before May 5, 2023;
8. The Case Management Conference is currently set for May 4, 2023, with the case management statement due on April 27, 2023;
9. The parties are jointly requesting the Case Management Conference to be reset for June 15, 2023, or a date thereafter convenient for the Court;
10. The parties request that the case management statement be due on June 8, 2023, or on a date thereafter convenient for the Court;
11. The parties are requesting the continuance to permit them enough time to resolve the pleading issues and to assess the scope of discovery and related deadlines.

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1 It is so stipulated.
2

3 DATED: April 5, 2023

/s/Karren Kenney
KARREN KENNEY
Attorney for Plaintiff
PETER MCNEFF

/s/Nicholas Grether
NICHOLAS GREETHER
Attorney for Defendants
The City of Pleasanton, The Pleasanton
Police Department, David Swing, Larry
Cox, and Brian Dolan

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Order

Based on the stipulation of the parties, and GOOD CAUSE

APPEARING:

The Plaintiff may file an Amended Complaint no later than May 5, 2023.

The hearing on the Defendants' Motion to Dismiss is continued from April 27, 2023 to May 18, 2023.

The hearing on Defendants' Motion to Dismiss will be taken off calendar upon Plaintiff filing an amended complaint on or before May 5, 2023.

The initial case management conference is continued from May 4, 2023 to _____, 2023, and the case management statement is now due _____, 2023.

IT IS SO ORDERED.

DATED:

JAMES DONATO
United States District Court Judge

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